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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,482	11/03/2003	Shigeo Ishida	117649	3222

25944 7590 11/22/2005

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EXAMINER	
HAUGLAND, SCOTT J	
ART UNIT	**PAPER NUMBER**
3654	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/698,482	ISHIDA ET AL.	
	Examiner	Art Unit	
	Scott Haugland	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 August 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings were received on 8/23/05. These drawings have been accepted.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The application as originally filed does not disclose that the buffer unit starts driving before the frictionally transporting section starts feeding back the continuous paper and that the buffer unit stops driving after the frictionally transporting section stops feeding back the continuous paper as recited in claims 7 and 9.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5, 6, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Taubenberger (U.S. Patent No. 5,685,471).

Taubenberger discloses a printing apparatus comprising a printing unit DA and a continuous paper transporting mechanism. The paper transporting mechanism comprises a frictionally transporting section 13, paper braking sections (6 and the braking section comprising axles 2; col. 1, lines 35-37), a paper-position restriction section 3 having a pair of rollers 4 arranged at an oblique angle to the paper transporting direction, and buffer unit 10. Note that the paper-position restricting section 3 is arranged between the paper transporting section 13 and the paper braking section comprising axles 2.

With regard to claim 10, the buffer unit 10 of Taubenberger would start driving when the frictionally transporting section starts to transport the paper toward the printer since the loop of paper around 10 starts to shorten when the feed rollers 13 start. Also note that the buffer unit 10 is moved in a direction away from the surface of the paper as an amount of buffer of the continuous paper is decreased as in Applicants' invention.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4, 8, and 11 are rejected under 35 U.S.C. 102(b) as anticipated by Taubenberger (U.S. Patent No. 5,685,471) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Taubenberger (U.S. Patent No. 5,685,471) in view of Ohba et al (U.S. Patent No. 6,592,276).

Taubenberger is described above.

It appears that the printing section of Taubenberger is disposed on a downstream side of the frictionally transporting section, as recited on the last two lines of claim 1 since elements 13 are disclosed as being feed rollers and they are immediately adjacent to the entrance of printing unit DA.

Alternatively, assuming, arguendo, that Taubenberger does not teach the downstream position of the printing section, Ohba et al teaches locating a printing section for printing on continuous paper web downstream of feed rollers 8, 9 of a paper transporting mechanism.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the printing section of Taubenberger on the downstream side of the frictionally transporting section as taught by Ohba et al to feed the paper through the printing section without excessive tension in the printing section.

With regard to claim 8, the buffer unit 10 of Taubenberger would start driving when the frictionally transporting section starts to transport the paper toward the printer since the loop of paper around 10 starts to shorten when the feed rollers 13 start. Also

note that the buffer unit 10 is moved in a direction away from the surface of the paper as an amount of buffer of the continuous paper is decreased as in Applicants' invention.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taubenberger in view of Ohba et al as applied to claims 1 and 2 above, and further in view of Focke et al (U.S. Patent No. 4,603,800).

Taubenberger does not disclose that the pushing-out member is located at a position spaced apart from the paper during printing.

Focke et al teaches spacing rollers 33, 34 of a web accumulator apart during normal feeding and processing of the web so that the web is fed in a straight line without contact with the rollers. The rollers are moved into a web engaging and accumulating configuration only when the accumulator is required for temporary storage of a length of web.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Taubenberger with an accumulator having pushing-out members or rollers that are moved away from the web being fed to the printer during printing and normal feeding of the web to the printer as taught by Focke et al to eliminate unnecessary interference of the accumulator with the web when it is not necessary to store additional web material.

Response to Arguments

Applicants' arguments filed 8/23/05 have been fully considered but they are not persuasive.

Applicants argue that Taubenberger does not disclose that the two friction rollers 13 perform back feeding by a pre-determined amount after completion of printing. However, the apparatus of Taubenberger includes a back feeding unit as indicated by the arrows on rollers 13 in Fig. 1 and in col. 4, lines 11-13 and lines 33-35. The back feeding unit is seen to be configured to feed back the continuous paper in a second opposite direction by a predetermined amount after completion of printing as required by the claims. The structure of Taubenberger is capable of and is disclosed as being intended to accommodate reverse movement of the web from the printing unit.

Applicants argue that the festoon device 10 of Taubenberger is not configured to come into contact with a surface of the continuous paper when the paper is feeding back as recited in claim 5. However, the device 10 Taubenberger of clearly comes into contact with the paper when the paper is fed backward. Its purpose as disclosed is to take up slack in the paper web. Claim 5 does not require the paper to leave contact with the device 10 as Applicants argue. In addition, device 10 of Taubenberger is configured so that it could leave contact with paper when that paper is reversed faster than the device 10 is capable of accommodating the slack. Further, Focke et al teaches spacing a pushing-out member from a web as required by claim 3.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sjh
11/2/05

Kathy Matecki

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